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November 4, 2013

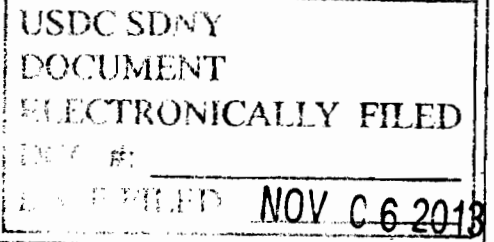
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Via ECF

Hon. Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
Courtroom 17C
500 Pearl St.
New York, NY 10007-1312



Re: *Worldwide Home Products, Inc. v. Time, Inc. et al.*
11-CV-3633 (LTS) (MHD) – Request for Amended Briefing Schedule

Dear Judge Swain:

This firm is new counsel for Plaintiff Worldwide Home Products, Inc. in the above-referenced case.

As the Court is aware, on October 28, 2013 Plaintiff filed a motion, pursuant to Fed. R. Civ. Pro. 59(e), requesting that the Court reconsider and alter its September 30, 2013 Order granting summary judgment in favor of the Defendants. The basis of plaintiff's Rule 59(e) motion is that certain material facts and law may have been overlooked by the Court, which, had they been brought to the Court's attention earlier, would have altered the Court's decision on the motion for summary judgment.

The following day, on October 29, 2013, the Defendants filed a motion pursuant to 35 U.S.C. § 285 seeking to recover attorneys' fees and related expenses in connection with this litigation, as the prevailing party in the case.

In light of Plaintiff's pending Rule 59(e) motion, we write to seek the Court's permission to extend Plaintiff's time to respond to Defendants' motion for attorneys' fees and costs to fourteen (14) days after the Court rules on Plaintiff's Rule 59(e) motion. No previous requests for adjournments or extensions of time have been made, and Plaintiff's response to Defendants' motion for attorneys' fees and costs is currently due on Wednesday November 13, 2013.

We make this request in good faith and simply to avoid the unnecessary expenditure of briefing a lengthy motion that may become moot were the Court to grant Plaintiff's Rule 59(e) application. Furthermore, we do not believe that any party would be prejudiced by our request.

Hon. Laura Taylor Swain
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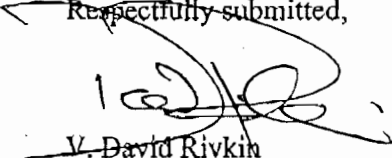
We have sought Defendants' consent to our request (both in writing and by telephone), citing the reasons stated above, but were told that Defendants would not agree.

* * *

Alternatively, in the event that the Court is not inclined to grant Plaintiff's request to be permitted to respond to defendants §285 motion after the Plaintiff's Rule 59(e) motion has been disposed of, we respectfully request an extension of time from November 13, 2013 to December 5, 2013 for Plaintiff to respond to Defendants' §285 motion seeking attorneys' fees and costs. The reason for this request is that as new counsel, we require additional time to review thoroughly the extensive litigation record in this case to ascertain whether the fees and costs sought by Defendants in their §285 motion are reasonable and proper.

The Defendants have indicated their consent to such a proposed extension of time -- provided that Defendants' time to respond to Plaintiff's Rule 59(e) motion is also extended from November 12 to December 5, 2013. Both parties would also request that the respective replies to the §285 motion and the Rule 59(e) motion be due on or before December 19, 2013.


Respectfully submitted,


V. David Rivkin

cc: Edward F. O'Connor, Esq.

*The request for extension
of the opposition deadline
to 14 days after the ruling
on the reconsideration
motion is granted.*

SO ORDERED:


11/5/13
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE